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May 6, 2022

Via ECF

MEMO ENDORSED

The Honorable Colleen McMahon, U.S.D.J.
U.S. District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 2550
New York, NY 10007-1312

Re: *García De León v. New York University*, Case No. 1:21-cv-5005-CM
Request to File Under Seal Related to Motion for Sanctions

Dear Judge McMahon:

We represent defendant New York University ("NYU") in the above referenced matter. Pursuant to Section 6 of the Southern District of New York's Electronic Case Filing Rules & Instructions, NYU seeks permission to file certain of its exhibits to its Motion for Sanctions under seal. NYU will also publicly file a redacted version of these documents, with all information that the parties agree is non-confidential unredacted.

The reason for this request is that certain of the accompanying thereto contain: (1) the plaintiff's personal identifying information contained in NYU's records; and (2) personal identifying information regarding other NYU students. While NYU recognizes that there is a "strong and well-established presumption of public access to judicial documents and proceedings," the public's right of access is not absolute. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20, 124 (2d Cir. 2006); see also *In re New York Times Co.*, 828 F.2d 110, 116 (2d Cir. 1987). Both categories of information listed above are appropriate for sealing.

Courts have found "clear and compelling reasons to seal" documents that contain certain educational and student personal information protected by the Family Educational Rights and Privacy Act ("FERPA"). See, e.g., *Sweeney v. Enfield Bd. of Educ.*, 2016 WL 4435331, at *10 (D. Conn. Aug. 18, 2016) (sealing documents containing confidential educational information protected by FERPA); *Chapman v. Ouellette*, 200 F. Supp. 3d 303, 311 (D. Conn. 2016) (same).

Disclosure of the confidential information described above would be harmful to the parties by, among other things, causing them to disclose non-public, commercially sensitive, and/or private information.

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all personal identifying
information about plaintiff
or other NYU students
may be redacted from
publicly filed versions
of exhibits to this
motion. The court
must be provided
with unredacted
copies
for sanctions



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The plaintiff's counsel consented to the sealing of the same type of information contained in this request when they consented to the motion to seal NYU's opposition to their motion for class certification.

NYU respectfully requests that the Court grant this request to file the above-mentioned documents under seal. Thank you in advance for your consideration.

Respectfully submitted,

/s/ Keara M. Gordon
Keara M. Gordon

cc: All Counsel of Record